

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:22-cv-22657-MOORE/LOUIS

COURTNEY MCLEOD,

Plaintiff,

vs.

CHEF CREOLE INC.,

Defendant.

_____ /

MOTION TO COMPEL FACT INFORMATION SHEET

Plaintiff, Courtney McLeod, having recovered a judgment in this case against Defendant, Chef Creole, Inc., requests the Court to require the judgment debtor to provide the information and materials that will enable it to collect on the judgment, as follows:

1. Rule 69(a)(2) of the Federal Rules of Civil Procedure entitles a prevailing party to employ discovery in furtherance of execution on a judgment:

In aid of the judgment or execution, the judgment creditor or a successor in interest whose interest appears of record may obtain discovery from any person--including the judgment debtor--as provided in these rules or by the procedure of the state where the court is located.

2. Rule 1.560(c) of the Florida Rules of Civil Procedure, in turn, permits a judgment creditor such as the Plaintiff to request of the Court the following:

In addition to any other discovery available to a judgment creditor under this rule, the court, at the request of the judgment creditor, **shall order the judgment debtor or debtors to complete form 1.977, including all required attachments, within 45 days of the order or such other reasonable time as determined by the court.**

3. Having secured a judgment against Defendant, Chef Creole, Inc., Plaintiff requests that the Court require the Defendant to complete a Florida Form 1.977 Fact Information Sheet,

including all attachments, within 30 days, in the form(s) appended hereto as Exhibit “A.”. *See Whitwam v. JetCard Plus, Inc.*, 2014 WL 6433226 (S.D. Fla. Nov. 13, 2014.)

4. Plaintiff further requests the Court to require this Defendant to complete the Florida Form 1.977 Fact Information Sheet in the form appended hereto as Exhibit “A,” to return it with all attachments, and “to fax and/or hand-deliver the same to Plaintiffs’ Counsel” within 30 days of service of the Fact Information Sheet on Defendant. *Rodriguez v. Super Shine & Detailing, Inc.*, 2013 WL 4786596, at *4 (S.D. Fla. Sept. 6, 2013).

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests the Court to compel Defendant, Chef Creole, Inc., to complete and return the Form 1.977 Fact Information Sheet, with all required attachments, to Plaintiff’s counsel within 30 days of service of the Fact Information Sheet on Defendant.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served through filing in the U.S. District Court’s CM/EDF System on June 30, 2023, which will effect service on all who appear in this action, and by U.S. Mail on Defendant, Chef Creole Inc, 13125 W. Dixie Highway, North Miami, FL 33161.

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**FACT INFORMATION SHEET – BUSINESS ENTITY
(TO BE COMPLETED FOR CHEF CREOLE, INC.)**

Name/Title of person filling out this form: _____

Address: _____
Street City State Zip Code

Telephone Numbers: (Home) _____ (Business) _____

Address of Business Entity: _____
Street City State Zip Code

Type of Entity: (Check One) ☐ Corporation ☐ Partnership ☐ Limited Partnership ☐ Sole

Proprietorship ☐ Limited Liability Corporation (LLC) ☐ Professional Association (PA)

☐ Other (Please explain) _____

Does Business Entity own/have interest in any other business entity? If so please explain. _____

Gross/Taxable income reported for Federal Income Tax purpose last three years:

\$ _____ \$ _____ \$ _____

Taxpayer Identification Number: _____

List Partners (General or Limited and designate Percentage of Ownership):

Average Number of Employees/month: _____

Names of Officers and Directors:

Checking Account at: _____ Account Number: _____

Savings Account at: _____ Account Number: _____

Does the Business Entity own any vehicles: _____

Years/Makes/Models: _____

Vehicle I. D. Numbers : _____

Tag Numbers: _____

Loans Outstanding: _____

Does the Business Entity own any real property: YES _____ NO _____

If Yes: Address: _____

Please check if the business entity owns the following:

| | |
|-------------------------------|---------------------------|
| _____ Boat | _____ Camper |
| _____ Stocks/Bonds | _____ Other Real Property |
| _____ Other Personal Property | _____ Intangible Property |

Please attach copies of the following:

1. All tax returns for the past 3 years, including but not limited to state and federal income tax returns and tangible personal property tax returns.
2. All bank, savings and loan, and other account books or statements for accounts in institutions in which the defendant had any legal or equitable interest for the past 3 years.
3. All canceled checks for the 12 months immediately preceding the date of this judgment for accounts in which the defendant held any legal or equitable interest.

4. All deeds, leases, mortgages, or other written instruments evidencing any interest in or ownership of real property at any time within the 12 months immediately preceding the date of this judgment.
5. Bills of sale or other written evidence of the gift, sale, purchase, or other transfer of any personal or real property to or from the defendant within the 12 months immediately preceding the date of filing this lawsuit. Any transfer of property within the last year other than ordinary course of business transactions.
6. Motor vehicle documents, including titles and registrations relating to any motor vehicles owned by the defendant alone or with others.
7. Financial statements and any other business records, including but not limited to accounts payable and accounts receivable ledgers, as to the defendant's assets and liabilities prepared within the 12 months immediately preceding the date of this judgment.
8. Copies of articles, by-laws, partnership agreement, operating agreement, and any other governing documents, and minutes of all meetings of the defendant's shareholders, board of directors, or members held within 2 years of the date of this judgment.
9. Resolutions of the shareholders, board of directors, or members passed within 2 years of the date of this judgment.
10. A list or schedule of all inventory and equipment.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

Defendant's Designated Representative

Title: _____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, who is the _____ on behalf of CHEF CREOLE, INC, and who is personally known to me or has produced _____ as identification and who _____ did / did not _____ take an oath.

WITNESS my hand and official seal, this _____ day of _____, 20____.

Notary Public
State of Florida
My Commission Expires: _____

MAIL OR DELIVER THE COMPLETED FORM TO THE JUDGMENT CREDITOR OR THE CREDITOR'S ATTORNEY. THIS FORM IS NOT TO BE FILED WITH THE CLERK OF THE COURT.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served through filing in the U.S. District Court's CM/EDF System on June 30, 2023, which will effect service on all who appear in this action, and by U.S. Mail on Defendant, Chef Creole Inc, 13125 W. Dixie Highway, North Miami, FL 33161.

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